

Vulnerable Adult Justice Project – Stakeholder Meeting

William Mitchell College of Law, Room 331

Friday, September 17, 2010 from 2-4pm

Present: Marlene Stum (UofM), Deb Holtz (OmbLTC), Laura Garbe, Dave Stanowski, Mary Youle (Aging Services), Sue Voigt (Attorney, VKR Law Firm), Nate Swanson (WMCL, VKR), John Simshauser (Elder Law Attorney), Sarah Leonard (WMCL), Darlene Boike, Bonnie Ward, Jane Ochrymowycz (CEJP Advisory Board), Maura McNellis-Kubat (DHS Licensing), Greg Marita (Legal Aid), Laura Orr (St. Thomas Law School), Carmen Castaneda (Hennepin County APS), Stella French (OHFC), JJ Hasbargen (Office of Attorney General), Amy Sweasy (Hennepin County Attorney), Lisa Godon (City Attorney, Minneapolis), Phil Carruthers and Ben Rosene (Ramsey County Attorneys), Deb Siebenaler and Jennifer Kirchen (DHS APS), William Brown (Elder Law Attorney), Kevin Hansen (OMHDD), Iris Freeman (CEJP)

Updates:

- Sen. Franken’s Field Hearing (9/10/10) on the Reauthorization of the Older American’s Act went well and was well attended.
 - His office issued a report on August 1st about issues among voiced by Minnesota seniors at a series of “Listening Sessions” in July.
 - Access to OAA services, service quality, and elder abuse prevention are his key issues for advocacy.
- Tonight on Public Television, there will be a debate between the candidates for governor. Co-sponsored by AARP, issues will include those important to seniors.
- MSSA conference in Moorhead earlier this week was well received. Kevin presented on Guardianship/Conservatorship/PoA, and Iris presented on Financial Exploitation.
- Janet Reigstad (Stearns County APS) has additional agency duties that will prevent her from attending VAJP meetings for the remainder of this year.

Uniform Power of Attorney Act—John Simshauser, JD gave an overview of the issues and status of the proposals to add MN to the list of states that follow the Uniform Power of Attorney law. *His slides are an attachment to the minutes.* This discussion will continue in October.

Protections Committee—Kevin Hansen reviewed the committee’s recent work (9/7/10 meeting) to establish a right to information for vulnerable adults or their representatives when a substantiated perpetrator makes an appeal of the finding or disqualification. Notification of affected vulnerable adults/their representatives would be done by the hearing officer (DHS Appeals or Administrative Law Judge) who retains the prerogative to determine what those parties’ attendance or role can be. *His handout with the Committee’s proposed language is an attachment to the minutes.*

Criminal Code Committee—Amy Sweasy, JJ Hasbargen, and Lisa Godon gave the 2011 legislative recommendations of the Criminal Code Committee with a slide presentation entitled, *Justice for Vulnerable Adults in Minnesota*. Their recommendations include the two bills that the VAJP approved for action in the 2010 legislative session and a new proposal to enact a felony penalty for extreme caregiver neglect (deprivation) of a vulnerable adult. *The language of the proposal and the slides are attachments to the minutes*. There was discussion about the sources and state laws used as models for the new language as well as clarifications/concerns about specific terms. This discussion will continue at the October meeting.

Jurisdictional Issues Committee – Kevin Hansen reviewed the committee’s recommendations, including adoption of the term “lead investigative agency” and the addition of tribal governments to the list of agencies that may be invited to serve on a Multidisciplinary Adult Protection Team. One remaining issue, distributed for discussion, was completing the list of entities for which DHS licensing is the lead (investigative) agency (from 9/14/10 meeting). *His handout with the Committee’s proposed language is an attachment to the minutes*.

Center for Elder Justice and Policy

- News
 - Two grant proposals for continued work on financial exploitation are under review.
 - What is public cost of maltreatment? Iris is supervising a UofM Social Work graduate student in the design of a research project to answer the question.
- VAJP Survey Results – Iris presented a preliminary report on responses to the “check up” survey sent out in August. *That document is an attachment to the minutes*.
 - Discussion- How did people new to the VAJP at Friday’s meeting learn about the group?
 - Through other members of the VAJP
 - MSBA Elder Law Section

Wrap Up

Next meeting: Friday, Oct. 8, 2010, 2:00 to 4:00pm, room 123 WMCL

Attachments

1. UPoAA Slides
2. Protections Committee Report
3. Criminal Code Committee proposal for extreme neglect / deprivation and
4. Criminal Code Slide Presentation
5. Jurisdictional Issues Committee Report
6. VAJP Survey Preliminary Report